

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**


JAMAHL HARIM SIMMONS	:	CIVIL ACTION
	:	
v.	:	NO. 18-873
	:	
STATE OF PENNSYLVANIA	:	

ORDER

AND NOW, this 28th day of February 2018, upon close review of Plaintiff's extensive Complaint (ECF Doc. No. 1) seeking dismissal of a criminal judgment against him for lack of jurisdiction, release from a custodial sentence and return of forfeited property under the April 29, 2016 Judgment and Conviction Order and the July 12, 2016 Amended Judgment and Conviction Order in this Court at No. 13-cr-669, ECF Doc. Nos. 315 and 328 (No. DPAE2.13.CR.669.01), it is **ORDERED**:

1. The Complaint (ECF Doc. No. 1) is **DISMISSED** as we do not entertain a civil action seeking release from custody or return of forfeited funds under a criminal sentence¹ without prejudice to Mr. Simmons to timely file a Petition under 28 U.S.C. § 2255 to be assigned to the trial judge, Honorable C. Darnell Jones, II; and,

2. The Clerk of Court shall **CLOSE** this case.



KEARNEY, J.

¹ “ Section 2255 motions are now the exclusive means by which a federal prisoner can challenge a conviction or sentence that allegedly is in violation of the Constitution or federal laws or that is otherwise subject to collateral attack. *See Davis v. United States*, 417 U.S. 333, 343 (1974). Thus, federal inmates who wish to challenge the lawfulness of their convictions or sentences

must typically file motions under § 2255 in the court of conviction.” *Sedlak v. US*, No. 12-285, 2012, WL 832984, *2 (M.D. Pa. Feb. 14, 2012).